

HON. MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VINEET PAREKH, Individually and on behalf  
of himself and all other similarly situated,

Plaintiff,

-against-

AVALARA, INC., SCOTT MCFARLANE,  
BRUCE CRAWFORD, MARION FOOTE,  
EDWARD GILHULY, WILLIAM INGRAM,  
MARCELA MARTIN, TAMI RELLER,  
BRIAN SHARPLES, RAJEEV SINGH,  
SRINIVAS TALLAPRAGADA, and KATHY  
ZWICKERT,

Defendants.

Case No.: 2:22-cv-01580

**STIPULATED MOTION AND ORDER  
REGARDING SERVICE, MOTION  
SCHEDULE, AND FRCP 26(f)  
CONFERENCE**

NOTE ON MOTION CALENDAR:  
JANUARY 4, 2023

Plaintiff Vineet Parekh (“Parekh”) and Defendants Avalara, Inc., Scott McFarlane, Bruce Crawford, Marion Foote, Edward Gilhuly, William Ingram, Marcela Martin, Tami Reller, Brian Sharples, Rajeev Singh, Srinivas Tallapragada, and Kathy Zwickert (collectively, “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows:

**WHEREAS**, on November 4, 2022, Plaintiff filed a putative class action complaint alleging violations of Sections 14(e) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) in connection with the sale of Avalara, Inc. (“Complaint”) (ECF No. 1);

**WHEREAS**, Defendants have agreed to accept service of the Complaint through their undersigned counsel;

1       **WHEREAS**, this case is governed by the Private Securities Litigation Reform Act of 1995  
 2 (“PSLRA”), 15 U.S.C. § 78u-4 *et seq.*, which provides a set procedure for a court to appoint lead  
 3 plaintiff and lead counsel in a putative class action arising under the Exchange Act after a press  
 4 release notice is issued;

5       **WHEREAS**, on November 7, 2022, Plaintiff caused the aforementioned notice to be  
 6 published, providing members of the purported plaintiff class with the information required  
 7 pursuant to the PSLRA (15 U.S.C. § 78u-4(a)(3)(A));

8       **WHEREAS**, pursuant to the PSLRA (15 U.S.C. § 78u-4(a)(3)(A)(i)(II)), on or before  
 9 January 6, 2023, any member of the purported plaintiff class may move the Court to serve as lead  
 10 plaintiff of the purported plaintiff class and Plaintiff intends to so move;

11       **WHEREAS**, the Parties believe that, for reasons of judicial efficiency and economy,  
 12 Defendants should be permitted to hold their response to the Complaint in abeyance at least until  
 13 after the Court appoints a lead plaintiff and approves lead plaintiff’s selection of lead counsel, and  
 14 such lead plaintiff files an amended complaint, if any;

15       **WHEREAS**, pursuant to the PSLRA (15 U.S.C. § 78u-4(b)(3)(B)), “all discovery and  
 16 other proceedings shall be stayed during the pendency of any motion to dismiss”; and

17       **WHEREAS**, this is the first request for an extension of time by any party.

18       **NOW THEREFORE**, the Parties hereby stipulate and agree, subject to the  
 19 Court’s approval, as follows:

20       1.       The PSLRA (15 U.S.C. § 78u-4(a)(3)(B)(i)), provides that “[n]ot later than 90 days  
 21 after the date on which” the requisite notice was published, *i.e.*, on or before February 6, 2023, the  
 22 Court “shall consider any motion” for appointment of lead plaintiff and “shall appoint as lead  
 23 plaintiff the member or members of the purported plaintiff class that the court determines to be  
 24 most capable of adequately representing the interests of class members”;

25       2.       Thirty days after the Court’s entry of an order appointing a lead plaintiff (“Lead  
 26 Plaintiff”) and approving Lead Plaintiff’s selection of lead counsel, Lead Plaintiff shall either file  
 27 an amended class action complaint which will be deemed the operative complaint in this action

(the “Operative Complaint”), or file a notice designating the present Complaint as the Operative Complaint;

3. Defendants shall file an answer or response to the Operative Complaint no later than 45 days from the date the Operative Complaint is served on Defendants;

4. If Defendants file a motion under Fed. R. Civ. P. 12 in response to the Operative Complaint (“Motion”), Lead Plaintiff’s response to the Motion (“Response”) shall be filed no later than 45 days from the date the Motion is served on Lead Plaintiff;

5. Defendants’ reply in further support of their Motion shall be filed no later than 30 days from the date Lead Plaintiff’s Response is served on Defendants;

6. The deadlines for (i) an initial FRCP 26(f) conference, (ii) initial disclosures pursuant to FRCP 26(a)(1), and (iii) the combined joint status report and discovery plan should be vacated and rescheduled *sine die* until after Defendants answer the Complaint or after the Court renders a ruling on the a motion to dismiss.

**STIPULATED AND AGREED** this 4th day of January, 2023.

**BRESKIN JOHNSON TOWNSEND, PLLC**

By: s/ Roger M. Townsend  
 Roger M. Townsend, WSBA #25525  
 1000 Second Avenue, Suite 3670  
 Seattle, WA 98104  
 Tel: (206) 652-8660  
 Email: rtownsend@bjtlegal.com

*Counsel for Plaintiff*

**OF COUNSEL**

**MONTEVERDE & ASSOCIATES PC**

Juan E. Monteverde (*PHV Forthcoming*)  
 The Empire State Building  
 350 Fifth Avenue, Suite 4405  
 New York, NY 10118  
 Tel.: (212) 971-1341  
 jmonteverde@monteverdelaw.com

*Attorneys for Plaintiff*

**SAVITT BRUCE & WILLEY LLP**

By: s/ James P. Savitt  
 James P. Savitt, WSBA #16847  
 1425 Fourth Avenue Suite 800  
 Seattle, Washington 98101-2272  
 Telephone: 206.749.0500  
 Facsimile: 206.749.0600  
 Email: jsavitt@sbwLLP.com

*Counsel for Defendants*

**OF COUNSEL**

**KIRKLAND & ELLIS LLP**

Matthew Solum (*PHV Forthcoming*)  
 Jacob M. Rae (*PHV Forthcoming*)  
 601 Lexington Avenue  
 New York, NY 10022  
 Tel.: (212) 446-4688  
 matthew.solum@kirkland.com  
 jacob.rae@kirkland.com

*Attorneys for Defendants*

1 **IT IS SO ORDERED.**

2 Dated this 4th day of January, 2023.

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5 The Honorable Marsha J. Pechman  
6 United States Senior District Judge  
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